



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
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November 4, 2021

BY ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)

Dear Judge Nathan:

The Government respectfully moves for reconsideration of the portions of the Court's order dated November 3, 2021 (Dkt. No. 409), directing the Government to file by November 8, 2021, any briefing to exclude any defense witness testimony disclosed on November 1, 2021, with defense responses due November 11, 2021.

This schedule provides the Government seven days—or six, if timed from the Court's order—to respond to the defense's expert notice, in which they gave notice for the first time of eight potential experts. By contrast, the Government notes that it provided the defense with notice of its expert on April 23, 2021, and the defense filed its motion to preclude on October 18, 2021.¹

Moreover, during that time, the Government will be (1) preparing for the November 10, 2021 *Daubert* hearing; (2) responding to the defendant's motion for reconsideration regarding disclosure of juror names (Dkt. No. 407); (3) providing the defense with categories of its co-conspirator statements and exemplars; (4) briefing the admissibility of Minor Victim-3's testimony

¹ The Government also provided expert notice of a witness who it does not believe requires admission through Rule 702 on September 15, 2021. The defense has not moved to preclude that witness.

under Rule 404(b) or as direct evidence of the sex trafficking counts; (5) reviewing 400 juror questionnaires, conferring with the defense, and filing lists of for-cause strikes with the Court; (6) responding to the defendant's fourth bail motion (*see* Dkt. No. 408); and (7) conferring with the MDC regarding the defendant's legal mail and transportation to the courthouse.² By November 10, the Government will also (8) respond to defense objections to the admissibility of co-conspirator statements, including a discussion of statements that postdate the charged period of the conspiracy; (9) propose procedures for the use of pseudonyms following conferral with defense counsel; and (10) provide a letter regarding the admissibility of Government Exhibit 52. This is in addition to the ordinary press of preparing for trial, which in this case involves, among other things, extensive travel to meet with victim witnesses.

The Government is grateful for the care and attention that the Court has devoted to this case and the speed and efficiency with which the Court has resolved pretrial matters. In the Government's view, however, the foregoing confluence of deadlines seriously taxes the Government's ability to provide the Court with the thorough, careful briefing and advocacy that the Court rightly expects. It is not practicable to further require the Government to brief in six days the admissibility of testimony from several defense expert witnesses, particularly when (a) the defense had six months to brief the admissibility of a single expert witness; (b) the defense has clearly known the identity of these eight experts for some time; and (c) there is additional time between now and the start of trial in which to brief and resolve the issues surrounding these experts.

Accordingly, the Government respectfully requests that the Court set a deadline for any

² In addition, on November 3, 2021, the Government provided the Court with the joint request to charge and verdict form, for which the Government received full comments from the defense late last night.

Cc: Defense Counsel (By ECF)